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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,089	02/12/2002	Paul M. Block	K&B-25	3064
7590	11/07/2003		EXAMINER	
JAMES & FRANKLIN, LLP Suite 1217 60 East 42nd Street New York, NY 10165			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicant No.</b>	<b>Applicant(s)</b>	
	10/073,089	BLOCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sameh H. Tawfik	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 10-47 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I (claims 1-9) in Paper No. 4 is acknowledged.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: applicants need to insert headings for example "BACKGROUND OF THE INVENTION", "BRIEF SUMMARY OF THE INVENTION", "BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S)"; etc.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers (4,781,318) in view of Block (4,718,158).

Meyers discloses an automatic apparatus for attaching tags (66 and 66') to articles (Abs. Line 10) comprising means for holding a plurality of tags (Figs. 6 and 7), tag support means (Fig. 1, via support unit 12 and braket 22) spaced from the tag holding means (Fig. 6), vacuum tag transport means (Fig. 6; via <sup>64</sup> 46') for removing tags one at a time from the tag holding means and placing them on the tag support means (Figs. 6 and 7); fastener dispensing means (Fig. 1; via fastener 20) comprising a hollow needle (30) through which fasteners (28) are ejected (Fig. 1); means for moving the fastener dispensing means relative to the tag support means to cause the needle to pass through the tag and article and means for actuating the fastener dispensing means

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(Fig. 1; via switch 24 and column 3, lines 43-45). Meyers does not disclose means for clamping the tag on the tag support means. However, Block discloses similar automatic apparatus for attaching tags to articles comprising means for clamping the tag on the tag support means (Fig. 2, via clamping anvil 22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyers automatic apparatus for attaching tags to articles by having means for clamping the tag on the tag support means, as suggested by Block, in order to clamp the selected layers of the article beneath the tag and tack feeder to hold the same in the desired tagging position (column 2, lines 33-42).

Regarding claims 2-4: Block discloses an anvil means (Fig. 2) spaced from the tag support means and means for advancing the anvil towards the tag support means to hold the article (Fig. 2, via cylinder 25), and the advancing means is actuated before the fastener dispensing means (Figs. 8-13).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyers automatic apparatus for attaching tags to articles by having an anvil means spaced from the tag support means and means for advancing the anvil towards the tag support means to hold the article, and the advancing means is actuated before the fastener dispensing means, as suggested by Block, in order to clamp the selected layers of the article beneath the tag and tack feeder to hold the same in the desired tagging position (column 2, lines 33-42).

Regarding claim 5: Meyers discloses a needle receiving recess (Fig. 1).

Regarding claim 6: Meyers discloses that the tag transport means (64') moves a tag through a first path section, wherein the tag is moved to a plane substantially perpendicular to the needle and then through a second pat section wherein the tag is moved substantially within the perpendicular plan into alignment with the tag support means (Fig. 7).

Regarding claim 7: Meyers discloses the tag transport means comprises a linearly moveable carriage, an arm with a suction cup and means for rotatably mounting the arm on the carriage (Figs. 6 and 7).

Regarding claim 8: Meyers discloses the arm mounting means comprises means for keying the arm to the carriage such that the suction cup is coplanar with the lead tag in the tag holding means when the tag is engaged by the suction cup (Figs. 6 and 7).

Regarding claim 9: Meyers discloses that a work surface and means for position adjustably mounting the tag holding means on the work surface for independent positioning in two directions (Figs. 6 and 7).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kunreuther 4237779 and Cottom 3598025 disclose different apparatus for attaching tags to articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.

  
EUGENE KIM  
PRIMARY EXAMINER